

REMARKS

Claims 1-38 and 43 are pending in this application.

Applicant respectfully requests reconsideration of the rejection of claims 1-3, 9, 11-16, 22, 24-30, 33-35, 38, and 43 under 35 U.S.C. § 102(b) as being anticipated by *Ishii et al.* (U.S. Patent No. 5,982,416). As will be explained below, the *Ishii et al.* reference does not disclose each and every feature specified in independent claims 1, 12-14, 25-29, 33, 34, and 38.

The *Ishii et al.* reference discloses a color management-related technique. In contrast, the claimed subject matter is not directed toward color management. The *Ishii et al.* reference attempts to solve the problem of huge memory resources, which are inevitable if previously preparing, in an image processing apparatus, profiles suitable for image pickup conditions that vary in an input device. To solve this problem, the *Ishii et al.* reference discloses a configuration that transfers profiles of the input device integrally with generated image data to the image processing apparatus. In other words, the *Ishii et al.* reference discloses a conventional color management method plus something extra. To summarize the manner in which the apparatus disclosed by *Ishii et al.* operates, the input device provides its profile data, the output device provides its profile data, and the image processing apparatus considers the provided profile data and generates a color conversion table.

The image data generating apparatus defined in claim 1 is distinguishable from the color management technique shown in the *Ishii et al.* reference because the claimed image data generating device designates the profiles of an output device. To those skilled in the art, it is unthinkable to designate profiles of another device in a conventional color management concept. In response to the Examiner's position that image processing apparatus of *Ishii et al.* is the equivalent of the claimed image data generating device, Applicant notes that the data shown in Figure 5 of the *Ishii et al.* reference is transmitted from an image pickup unit to the

image processing apparatus, and is not transmitted from the image processing apparatus to the output device. As such, the *Ishii et al.* reference does not disclose a configuration that transfers image data and output control data from the image processing apparatus to the output device.

To the extent that it is the Examiner's position that the image processing apparatus of *Ishii et al.* corresponds to the output device in the claimed subject matter, Applicant respectfully traverses the Examiner's characterization of the *Ishii et al.* reference relative to the claimed subject matter. The image processing apparatus of *Ishii et al.* cannot reasonably be considered to correspond to the output device in the claimed subject matter because the data transferred from the image pickup unit (which is asserted to correspond to the image data generating device) does not include the profiles of the output device.

For at least the foregoing reasons, the *Ishii et al.* reference does not disclose each and every feature of independent claim 1. Applicant respectfully submits that the arguments set forth above regarding claim 1 apply equally to the other independent claims included in the anticipation rejection because these claims specify the same or similar features, albeit in different contexts, e.g., independent claims 12, 28, and 38 define a computer-executable program and independent claims 14, 27, and 34 define a method for generating image data to be outputted by an output device. Accordingly, for the sake of brevity, Applicant will not painstakingly apply the arguments set forth above regarding independent claim 1 to each of the other independent claims. Regarding independent claims 13, 26, and 33, Applicant notes that these claims are drafted in means-plus-function format and that the Examiner has not provided the analysis required by 35 U.S.C. § 112, sixth paragraph, to establish a *prima facie* case of anticipation.

Accordingly, for at least the foregoing reasons, independent claims 1, 12-14, 25-29, 33, 34, and 38 are patentable under 35 U.S.C. § 102(b) over *Ishii et al.* Claims 2, 3, 9, 11,

and 43, each of which depends from claim 1, claims 15, 16, 22, and 24, each of which depends from claim 14, claim 30, which depends from claim 29, and claim 35, which depends from claim 34, are likewise patentable under 35 U.S.C. § 102(b) over *Ishii et al.* for at least the same reasons set forth regarding the applicable independent claim.

Applicant respectfully requests reconsideration of the rejection of claims 4-8, 10, 17-21, 23, 31, 32, 36, and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Ishii et al.* in view of *Kohler et al.* (U.S. Patent No. 5,646,752). Each of the claims included in this obviousness rejection depends from one of the independent claims that has been rejected under 35 U.S.C. § 102(b) as being anticipated by *Ishii et al.* The *Kohler et al.* reference has been cited by the Examiner merely to show the feature of identifying a classification selected from a group of classifications, and does not cure the above-discussed deficiencies of the *Ishii et al.* reference relative to the claimed subject matter. Further, similar to the *Ishii et al.* reference, the *Kohler et al.* reference also discloses a color management-related technique. Applicant respectfully submits that the *Kohler et al.* reference provides no disclosure of the image generating device providing information about the output device classification. The portion of the *Kohler et al.* reference cited by the Examiner (column 9, lines 11-19) describes conformity to the ICC profile, and states only that “DeviceModel” defines the model number or name of the device with which the profile is to be used (if the target is an input device, the name of the input device is defined, and if the target is an output device, the name of the output device is defined). Accordingly, claims 4-8, 10, 17-21, 23, 31, 32, 36, and 37 are patentable under 35 U.S.C. § 103(a) over *Ishii et al.* in view of *Kohler et al.* for at least the reason that they ultimately depend from one of independent claims 1, 14, 29, and 34, as well as for the reason set forth just above.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1-38 and 43, and submits that these claims are in condition for

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allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP003).

Respectfully submitted,
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A handwritten signature in black ink, appearing to read 'P. B. Martine', with a long horizontal flourish extending to the right.

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